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Chambers of Vincent L. Briccetti
10/30/23
JF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY J. FUTIA, JR., :
Plaintiff, :
:-----X

v. :
:-----X

RAYMOND ROBERTS, DOUGLAS :
O'DONNELL, CHASE BANK, BANK OF :
GREENE COUNTY, WESTCHESTER :
COUNTY CLERK TIMOTHY C. IDONI, SSA :
COMMISSIONER KILOLO KIJAKZI, :
Defendants. :
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ORDER

23 CV 1774 (VB)

On October 5, 2023, plaintiff, proceeding *pro se*, filed a document entitled “2nd Demand for Oaths & Bonds,” asserting that “All officer of this court and any defendant that is a government agent is to file a copy of their oaths, bonds and financials with this court.” (Doc. #52). The Court denied plaintiff’s request because the relief he sought was not grounded in any law—*i.e.*, it was frivolous. (Doc. #54).

The record in this case reflects plaintiff has a habit of submitting repetitive and/or frivolous filings, even though the Court has specifically ordered him to cease doing so. (Doc. #51). Plaintiff has been warned on several prior occasions that should such conduct continue, the Court would impose appropriate financial sanctions under its inherent authority or under Rule 11(c) of the Federal Rules of Civil Procedure. (Docs. ##38, 40).

In light of this pattern, by Order dated October 12, 2023, plaintiff was instructed to show cause in writing why the Court should not impose an appropriate financial sanction on him for deliberately violating court orders. The Court also ordered plaintiff to include with his submission an accurate and current personal financial statement. (Doc. #54).

On October 24, 2023, plaintiff filed a response to the Court’s October 12 Order. (Doc. #55). Although the response does include various bank statements, it does not include a personal financial statement. Moreover, it overwhelmingly rehashes his baseless assertions—namely, among other things, that the Court has failed to comply with the “Law of the Land” and court officers are required to provide plaintiff copies of a “Public Officials Bond.”

The Court concludes plaintiff has not shown good cause why sanctions should not be imposed. In fact, plaintiff’s response indicates he is undeterred by the Court’s prior explicit warnings. Therefore, the Court exercises its inherent authority to impose a financial sanction for plaintiff’s willful disregard of court orders and repeated vexatious filings. See Sassower v. Field, 973 F.3d 75, 80–81 (2d Cir. 1992), cert. denied, 507 U.S. 1043 (1993).

Having reviewed the financial records submitted with plaintiff's response, the Court determines that a financial sanction in the amount of \$500.00 is appropriate. Should plaintiff continue to submit frivolous filings, the Court will not hesitate to impose further appropriate financial sanctions.

By no later than November 13, 2023, plaintiff is ORDERED to pay \$500.00 to the Clerk, U.S. District Court, Southern District of New York. The payment may be made at the United States Courthouse, 300 Quarropas Street, White Plains, NY 10601.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: October 30, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge